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AUTHOR(S):

YAGI, Toru

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# Once again on the Forms of Oath in Classical India (II) : in Connection with the Relationship between the Inst., Dat. and Acc.

Toru YAGI

From Vedic times onwards, people resorted to such divine means of proof as an oath (*śapatha-*)<sup>1</sup> or an ordeal (*divya-*)<sup>2</sup> not only in lawsuits but also in other situations. A person used the oath in order to dispel suspicion and prove his or her innocence when suspected of being guilty of such bad conduct as cannibalism<sup>3</sup>, theft<sup>4</sup> or unfaithfulness<sup>5</sup>, or in order to declare his or her resolution concerning future commitment to revenge<sup>6</sup>, loyalty<sup>7</sup>, an alliance<sup>8</sup> or the like. The latter type of oath is equivalent to a kind of promise (*pratijñā-/pratiśrava-*)<sup>9</sup>. The ordeal<sup>10</sup> was also resorted to when the authenticity of a person's claim to be a Brahmin<sup>11</sup> was challenged or someone was suspected of theft<sup>12</sup>. Thus the oath concerns either the past, the present or the future as the case may be, while the ordeal refers only to the past or to present status depending on the past. In either case, the crucial point is that both the oath and the ordeal are a means of last resort, by which the judgement of a god is called forth on the truth or the falsehood of a statement, as

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<sup>1</sup> Hopkins, Lüders, Hara (1979, 1987, 1989, 1991, 1993 and forthcoming), Kane pp.357-360, Pendse pp.186-196 and *DhK* pp.429-442.

<sup>2</sup> Kane pp.361-378, Pendse pp.94-185 and Appendix II, Lariviere (1981) and *DhK* pp.443-525.

<sup>3</sup> *RV* 7.104.15 (= *AV* 8.4.15).

<sup>4</sup> For example, *Mbh* 13.95.56-69, 70-71, 72-74; 13.96.16-41. See Hara (1987) and Klein-Terrada pp.28-36, p.60, ll.4-5.

<sup>5</sup> For example, *Mbh* 3.75.7-9; 3.275.23-24; 5.172.14-15; *R* 7.88.9-11.

<sup>6</sup> For example, *Mbh* 2.61.43-46; 2.63.13-14; 2.68.21-22.

<sup>7</sup> For example, *Mbh* 8.50.34. See Hopkins p.333, ll.31-32; p.334, ll.13-14.

<sup>8</sup> *KAŚ* 7.17.7.

<sup>9</sup> Hopkins pp.317-318.

<sup>10</sup> *ŚB* 11.2.7.33.

<sup>11</sup> *TāṇḍyaB* 14.6.6.

<sup>12</sup> *ChU* 6.16.1-2.

a request for the testimony of the god as true witness. As Lariviere has pertinently pointed out: “So the intervention by the gods to determine the truth of a statement (i.e. *daivapramāṇa*) seems even to have been a part of the procedure of accepting testimony from a witness (one of the types of *mānuṣa-pramāṇa*).”<sup>13</sup> It is therefore appropriate that both the oath (mainly the former type of oath) and the ordeal should be incorporated into the judicial system<sup>14</sup> and established as legal procedures<sup>15</sup>.

The declarations can be classified into three different types of the oath<sup>16</sup>. In this paper, reconsidering the relationship between them, I would like to show that they signify one and the same gesture as an action of swearing in spite of the difference in manner of expression, and to clarify as far as possible the relationship between the instrumental, the dative and the accusative<sup>17</sup>.

### I. Three types of declaration

#### i. Type I: (Declaration I+) Declaration II.

[“A is (, oh interlocutor Z,) B.”] “I would incur (, oh god Y,) the loss or the receipt of (a guarantee) X if A were not B.”

Here Declaration I consists of either denial of a charge or a suspicion, or resolution concerning a future undertaking. Declaration II is the oath itself, which is nothing else but a conditional curse laid on an oath-taker by himself<sup>18</sup>. Type I is a verbal declaration including neither the root *śap-* “to swear” nor the roots *ā-labh-/sprṣ-* “to touch”. This corresponds to the definition of an oath given by Medhātithi, which runs:

*nanu ca yady aham evaṃ kuryāṃ tad idam aniṣṭam āpnuyām  
iti saṃkīrtanakriyā śapathaḥ (Manubhāṣya ad MS 8.113).*

<sup>13</sup> Lariviere (1981) p.6.

<sup>14</sup> *ĀpDhS* II.11.29.6; II.5.11.3; *GauDhS* 2.4.12.

<sup>15</sup> *MS* 8.109-116; *YS* 2.95-113.

<sup>16</sup> I have tried to sketch out the relationship between them in my paper “Notes on the Forms of Oath in Classical India”, *Professor Lakshman Sarup Centenary Volume* (forthcoming). The oath by drinking consecrated water (*kośa-*), which occurs in the *Rājatarāṅgiṇī* (or *KSS* 119.39) and has been fully investigated by Kölver, is set aside.

<sup>17</sup> The demonstrations or the explanations, which are necessary but omitted here, will be given in my paper “Once again on the Forms of Oath in Classical India (I) : in Connection with Kātyāyana’s vt.8 “*śapa upalambhane*” on Pāṇini 1.3.21”, *Professor George Cardona Felicitation Volume*.

<sup>18</sup> Hopkins p.330, Lüders p.658 etc. and Hara (1979) pp.231-251, (1991) p.51. The present study especially owes much to the works of these scholars.

“The oath is a verbal declaration: if I should have done so, I would incur this undesirable(*aniṣṭa*) (result).” (Hara 1991, p.51)

This type of definition<sup>19</sup> is largely adopted by jurists (dharmaśāstrin). The typical examples of Type I are as follows:

*adyā murīya yādi yātudhāno āsmi, yādi vāyus tatāpa pūruṣasya*(RV 7.104.15). “So may I die this day if I have harassed any man’s life or if I be a demon.” (Griffith p.100)

*ayaṃ carati loke ’smiṃ bhūtasākṣī sadāgatiḥ, eṣa muñcatu me prāṇān yadi pāpaṃ carāmy aham* (Mbh 3.75.7). “The ever-restless wind that courses through the world, spying on all creatures, shall rid me of my life if I have done any wrong.” (van Buitenen p.360)

The latter example shows more clearly that the oath is a conditional curse laid on an oath-taker by himself, though the former is not substantially different from the latter because the former can be paraphrased, for example, as follows:

“*adyendra ātmānaṃ hantu* ” “Indra shall kill my own self today” or “*adya tvam, indra, ātmānaṃ jahi* ” “Oh Indra, kill my own self today”.

Therefore, it would be better to formulate Type I as the following:

[“A is (, oh interlocutor Z,) B.”] “(Oh you god Y,) bring me the loss or the receipt of X if “A is B” were false.”

In addition, by using the root *śap-* “to curse”, we could paraphrase the above-mentioned examples as follows:

Type Ia: *adya (indreṇa) ātmānaṃ (=me jīvitaṃ) śape yadi yātudhāno ’smi.*

“Today (by means of Indra) I curse my own self (=life) if I am a sorcerer.”

*sadāgatinā me prāṇāñ śape yadi pāpaṃ carāmy aham.*

“By means of the wind god I curse my vital breaths (=life) if I (=Damayantī) have done any wrong (such as unfaithfulness).”

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<sup>19</sup> See Hara (1991) p.51, note 3.

Type Ib<sup>20</sup>: *adya (indreṇa) ātmanā (=me jīvitenā ca) ātmānaṃ śape yadi yātudhāno 'smi*. “Today (by means of Indra and) by means of my own self (=life) I curse my own self if I am a sorcerer.”  
*sadāgatinā me prāṇaiś cātmanāṃ śape yadi pāpaṃ carāmy aham*.  
 “By means of the wind god and by means of my vital breaths (=life) I curse my own self if I have done any wrong.”

These paraphrases would convince us of the propriety of the definition above. Other examples, which are classified according to the items of X, are as follows:

- A: (The loss of the oath-taker's) life  
*āyus-*: *AiB* 8.15 (see Lüders p.657, note 3); *prāṇān*: *Mbh* 3.75. 8-9; 3.275.23-24.
- B: (The loss of the oath-taker's) identity  
*kṣatriya-*: *Mbh* 3.154.26; Dāmodara: *BālaC* 3.11; Yaugandharāyaṇa: *PratijñāY* 1.16; 3.9.
- C: (The loss of the oath-taker's) possessions in a broad sense
- C<sup>1</sup>: human beings  
*prajā-*: *AiB* 8.15.
- C<sup>2</sup>: possessions  
*loka-*: *AiB* 8.15.
- C<sup>3-1</sup>: (The loss of the probability of going to) Heaven (due to C<sup>3-2</sup>)  
*Mbh* 2.61.45; 2.63.14; 2.68.21; 7.51.24; 9.20.20.

<sup>20</sup> The examples of Type Ib are the following:

*buddhebhyaḥ śataśaḥ śape yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ* (*Prabodha* 3.18).  
*savāmi baṃhattaṇeṇa jai īdisī kadā vi ditṭhapuvvā* (*Ratnāvalī* Act 2, see Hara 1991 p.58).  
*savāmi devīe caraṇehiṃ jai kassa vi purado paāsemi* (*Ratnāvalī* Act 3).  
*dhanyāsi yā kathayasi priyasaṃgame 'pi viśrabdhacāṭukaśatāni ratāntareṣu, nīviṃ prati praṇihite tu kare priyeṇa sakhyaḥ śapāmi yadi kiṃcid api smarāmi* (*Subhāṣitaratnaśoṣa* 574, *Kāvyaṇṇakāśa* 4.61, *Sāhityadarpaṇa* p.109, *Śārngadharaṇṇapāddhati* 3746, *Alaṇṇkārasaṃgraha* p.29, *Kāvyaṇṇapradīpa* p.102, *Durghaṭavṛtti* on P.1.3.21, *Durgādāsa* on *Vopadeva* 868, *Śabdakaustubha* p.68, *Tattvabodhinī* on *SK* 2688, *Nāgeśa* on P.1.3.21 vt.8, *Laghuśabdenduśekhara*, Part II, p.676).

C<sup>3-2</sup>: (The loss of the oath-taker's) merits  
*iṣṭāpūrta-/sukṛta-*: *AiB* 8.15; *janmasukṛta-*: *PañcaT* p.235, ll.21-22;  
*(tapaścaryāyāḥ) phala-*: *R* 7.96.20 (ed. Kumbhakonam).

E<sup>1</sup>: (The receipt of the probability of going to) Hell (due to E<sup>2</sup>)  
*Mbh* 7.16.29-34; 7 51.25-36.

E<sup>2</sup>: (The receipt of various) demerits such as sin, crime, vice, dishonour,  
 impurity and the like.  
*Mbh* 13.95.56-74; 13.96.16-41; *R* 2.69.14-28; *SkandaP* 6.32.68-80;  
*PuṣkaraM* 11.50-63; *AmbacoraJ* 344,169-172; *BhisaJ* 488,77-90.

In Type I, it is usual that Declaration I, which we may well expect, is not expressed explicitly, but implied by Declaration II. This could be comparable, I presume, with the English expression “I could fly if I were a bird”, which implies “I am not a bird, therefore I cannot fly”.

- ii. Type II: Declaration I+Inst.+(Dat./Voc.)+śap-“to swear”.  
 “A is (, oh interlocutor Z,) B.” “By (a god Y as true witness  
 and by a guarantee) X I swear (to you).”

Here the interlocutor expected to appear in Declaration I is put in the vocative or often omitted in Declaration I, or is transferred to a main clause, which substantially corresponds to Declaration II in Type I and in which he is put in the dative and/or vocative or omitted. On the other hand, a god to be invoked in Declaration II in Type I, where he is put in the nominative (and/or vocative) or omitted, may well be expected but is in fact usually omitted. The typical examples are:

“*ātmanā bhrātr̥bhiś cāhaṃ dharmeṇa sukṛtena ca iṣṭena ca śape, rājan*” “*sūdayiṣyāmi rākṣasam*” (*Mbh* 3.154.44).  
 “O king, by my own self (*ātman*), by my brothers (*bhrātr̥*), by meritorious action (*dharma*), by good deeds (*sukṛta*) and by my oblations (*iṣṭa*), I swear, I shall slay this Rākṣasa.” (Hara 1991 p.52)  
*bharatenātmanā cāhaṃ śape te, manuḍādhipa, yathā nānyena tuṣṭe-yam ṛte rāma vivāsanāt* (*R* Vol.2 App.I No.9 1.74=Kumbhakonam 2.12.49).  
 “By (my own son) Bharata and by my own self I swear to you, oh king, that I will not be pleased with anything other than the banishment of (the crown prince) Rāma.”

Other examples are the following:

A: life

*ātmanā* (*R* Vol.2 App.I No.9 1.74; *Mbh* 3.154.44; Vol 9 1412\*; *Ūrubh* 1.64)

*jīvitena* (*Mbh* 12.136.126; *ātmajīvitānirdiṣṭena śāpathena Pratijñā* Y1.6 prose)

*pādehiṃ* (*Mṛcch* 1.30 prose where Śākāra swears to Vasantasenā; 8.37 prose where Śākāra swears to Viṭa)

B: identity

*baṃhattanēṇa* (*Ratnāvalī* 2.42 prose; *baṃhasuttena* in another edition; *baṃhaṇṇēṇa* *Mṛcch* 5.39 prose, see Hara 1991 p.58)

C: possessions in a broad sense

C<sup>1</sup>: human beings

*putra-* (*putraiḥ* *R* 2.42.20; *Rāmeṇa* Vol.2 200\*; *Bharatena* Vol.2 App.I No.9 1.74; *putrābhyām* *Mbh* 7.131.6; *sutaiḥ* 7.125.24)

*bhrātr-* (*tribhir bhrātrbhiḥ* *R* Vol.6 App.I No.9 1.31; *bhrātrbhiḥ* *Mbh* 3.154.44; *Bhīmeṇa Yamābhyām* 8.50.19)

C<sup>2</sup>: possessions

*śāstreṇa*

(*Mbh* 6.102.68 v.l.)

*dhanuṣā* (*R* 2.18.13)

*mūlaphalena* (*R* 5.34.36)

*vāhanāyudhaiḥ* (*MS* 8.113; *NS* 1.181; *vāhanaśāstrāṇi* *NS* 2.20; *BS* 8.33)

*go-bīja-kāñcanaiḥ* (*MS* 8.113; *NS* 1.181; *-rajatāni* *NS* 2 20; *-kanakāni* *BS* 8.33)

C<sup>3-1</sup>: Heaven (due to C<sup>3-2</sup>)

*svargalokena* (*R* 7.97.6 v.l.; *-bhogena* v.l.)

*vīralokaiḥ* (*Ūrubh* 1.64)

C<sup>3-2</sup>: merits

*satyena* (*R* Vol.2 378\*; 2.18.13; 821\*; 831\*; 2.45.4; 7.97.6; *Mbh* 6.102.68; 7.53.37; Vol.9 1412\*; 8.50.18; 9.29.19; 9.42.29; *sacceṇa* *Svapna* 4.3 prose; *trisatyena PañcaT* pp.61-62; *MS* 8.113; *NS* 1.181; *satyaṃ* *NS* 20.2; *BS* 8.33 v.l.; *ŚukraN* 737 cited in Pendse p.290) *sukṛtena* (*R* 2.10.19; Vol.2 831\*; *Mbh* Vol.1 612\*; 3.154.44; 6.102.

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68; 7.131.6; *MS* 8.256; *sukṛtāni NS* 20.2)  
*iṣṭena* (*R* 2.18.13; *Mbh* 3.154. 44; 7.131.6)  
*iṣṭā-pūrtena* (*Mbh* 7.125.24; 7.131.14; 9.29.10)  
*dattena* (*R* 2.18.13; *dattāni NS* 20.2)  
*kṣatradharmeṇa* (*R* 1.57.8)  
*cāritreṇa* (*R* 6.104.6)  
*japena* (*Mbh* 9.29.19)  
*tapasā* (*Mbh* Vol.9 1412\*)  
*dānena* (*Mbh* 9.29.19)  
*dharmeṇa* (*Mbh* 3.154.44)  
*vīryeṇa* (*Mbh* 7.125.24)

C<sup>4</sup>: pleasure

*bhāvānurakta-vanitā-surataiḥ* (*Ghaṭakarpāra*, Lüders p.670)

D<sup>1</sup>: (The loss of) something, which does not belong to the oath-taker but which is desirable for him.

*tvatprasādena* (*Mbh* 8 50.18)

*sakhyena* (*Mbh* 6.102.68)

mountains (*Dardara-*, *Malaya-*, *Vindhya-*, *Meru-*, *Mandara-R* 5.34.36)

D<sup>2</sup>: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior, inferior or equal to him.

*Vāsudevena* (*Mbh* Vol. 10 678\*: Arjuna swears to Yudhiṣṭhira)

*Kṛṣṇacaraṇaiḥ* (*Mbh* 7.131.14: Sātyaki to Somadatta)

\*\**tvatpādena* (*Mbh* 8.50.18 v.l.: Arjuna to Yudhiṣṭhira)

\*\**tvayā* (*Mbh* 12.138.185 ed. Kumbhakonam: Lomaśa the cat to Palita the mouse)

\*\**padbhyām tasya* (*MārṅP* 21.92)

\*\**bhavatā* (*Ūrubh* 1.64 : Aśvatthāman to King Duryodhana)

*candaṇaa savāmi tujja \*\*hiaeṇa* (*Mṛcch* 6.11: Viraka to Candanaka)

*ajjuke savāmi bhāvaśśa \*\*śīśaṃ* (Acc.!) *attaṇakehiṃ pādehiṃ* (*Mṛcch* 1.30 prose: Śākāra to Vasantasenā)

*savāmi bhāvaśśa \*\*śīśaṃ* (Acc.!) *attaṇakelakehiṃ pādehiṃ* (*Mṛcch* 8.37 prose: Śākāra to Viṭa)

*savāmi devīe \*\*caraṇehiṃ* (*Ratnāvalī* Act 3 Intro: Madanikā to Kāñ-canamālā)

E<sup>2</sup>: demerits

*sarvaiḥ pāṭakaiḥ* (*MS* 8.113; *NS* 1.181)



With regard to the items marked with two asterisks, their function must be carefully investigated. By the way, *Mbh* 9.64.34-35, where the root *vad-* “to declare”, not the root *śap-*, is construed with *satya-*, *iṣṭāpūrta-*, *dāna-*, *dharma-* and *sukṛta-*, is substantially an oath.

- iii. Type III: Declaration I + Acc. + *ā-labh-/sprṣ-* “to touch”<sup>21</sup>  
 “A is (, oh interlocutor Z,) B.” “I touch (, that is, swear on, a god Y and a guarantee) X.”

Here the interlocutor expected to appear in Declaration I is put in the vocative or omitted in Declaration I, or is transferred to a main clause, which substantially corresponds to Declaration II in Type I and in which he is put in the vocative or omitted. On the other hand, a god expected to be invoked in Declaration II is usually omitted. The typical examples are:

*yathā, śālvapate, nānyaṃ naraṃ dhyāmi kathaṃ cana  
 tvām ṛte, puruṣavyāghra, tathā mūrdhānam ālabhe* (*Mbh* 5.172.14).

As “I (=Ambā) have never thought of, oh king of Śālvas, any other man than you, oh man(as brave as a)-tiger”, therefore (, that is, in witness of the truth of my declaration) I touch my head (=I swear on my head).

*nāhatvā vinivarte 'haṃ karṇam adya raṇājirāt  
 iti satyena te pādau sprṣāmi, jagatīpate* (*Mbh* 8.50.34).

“If I do not slay Karṇa today, I (=Arjuna) will not return from the battle-field”, because of (, that is, in witness of) the truth (of my declaration) I touch your feet, oh king (=Yudhiṣṭhira) (=I swear on your feet).

Other examples are the following:

A: life

*ātmānam* (*Mbh* 3.281.98; 5.172.15; 13.2.71; 14.80.15; 15.6.12)  
*mūrdhānam* (*Mbh* 5.172.14)

C: possessions in a broad sense

C<sup>1</sup>: human beings

*putra-dārasya śirāṃsi* (*MS* 8.114; *BS* 8.33; *putrādīmastakam KS* 420;  
*putrādīnāṃ śirāṃsi ŚukraN* 737 cited in Pendse p.290)  
*putra-dārādi-śapathān* (*Hārīta* cited in Pendse p.287)

<sup>21</sup> Add *parā-mṛṣ-* (*MahāsūtaJ* 537,403) and *ā-dā-* (*MahāsūlaJ* 51).

C<sup>2</sup>: possessions

*āyudham* (R Vol.2 455\*; 2112\* 1.8; 3.26.3; Vol.3 504\* 1.22; *Mbh* 1.205.29; 3.15.10; 3.240.39; 7.123.16; 7.160.12; 8.50.19)  
*atha śāstrasya* (*karman*-P.2.3.65 in connection with *saṃsprṣan*) *vipro*  
*'pi śāstrasyāpi ca kṣatriyaḥ* (*SkandaP* 1.2.44.11ab, cited in Pendse p.291)  
*gadām* (*Mbh* 5.73.14)  
*asi-/sattī-* (*śāstrī-*) (*MahāsutaJ* 537, 403)  
*khagga-* (*khadga-*) (*MahāsīlaJ* 51)  
*dhanāni* (*ŚukraN* 737 cited in Pendse p.290)  
*tila-* (*ViS* 9.6) *rajata-* (*ViS* 9.7) *suvarṇa-* (*ViS* 9.8)  
*hastiskandha-aśvapṛṣṭha-rathopastha-śāstra-ratna-bīja-gandha-rasa-*  
*suvarṇa-hiraṇyāni* (*KĀŚ* 7.17.7)  
*hiraṇya-* (*Vasiṣṭha* cited in *DhK* p.243)

D<sup>2</sup>: human beings, who do not belong to the oath-taker but who are not only dear to him but also superior to him.

*bhartṛcaraṇān sprṣtvā...śapathaiḥ* (*KSS* 119.37)  
*mātaram pitaram* (*SkandaP* 1.2.44.12, cited in Pendse p.291)

F: items\*\* the function of which must be carefully investigated.

\*\**te/tava pādau* (R Vol.2 455\*; 677\*; *Mbh* 3.75.6)  
 \*\**te pādapaṅkajasparśena* (*Kād* p.294)

W: items which function as a witness, not as a guarantee.

*śuciḥ pādau raveḥ sprṣet* (*SkandaP* 1.2.44.10, cited in Pendse p.291)  
*mām* (one of the epithets of Lakṣmī according to, for example, the *Abhidhānaratnamālā* 1.31) *saṃsprṣaṃs tathā vaiśyaḥ śūdraḥ svagurum eva ca* (*SkandaP* 1.2.44. 11cd, cited in Pendse p.291)  
*agny-udaka-sītā-prākāraloṣṭa-* (*KĀŚ* 7.17.7)  
*devatā-pitr-pādāḥ* (*NS* 20.2)  
*deva-brāhmaṇa-pādāḥ* (*BS* 8.33)  
*pūjyam* (*SkandaP* 1.2.44.12, cited in Pendse p.291)  
*pūjya-pādān* (*ŚukraN* 737 cited in Pendse p.290)  
*śūdraṃ dūrvā-karam śāpayet* (*ViS* 9.5)  
*sīroddhṛtamahī-karam* (*ViS* 9.9)  
*brāhmaṇaṃ sītoddhṛtamahī-karam eva śāpayet* (*ViS* 9.17)  
*gośakṛd-darbhān* (*Vasiṣṭha* cited in *DhK* p.243)  
*puṣpa-, pādāmbhana* (*Hārīta* cited in *DhK* p.442)

## II. The relationship between Type I, II and III

### i. The relationship between Type I and II

The comparison of Type II with Type III shows that Type II is equivalent to Type III. This means that “Inst.+śap-” (“to swear by Y and by X”) corresponds to “Acc.+ā-labh-/sprś-” (“to touch Y and X”), in other words, that “to touch Y and X” implies “to swear on Y and X”. When the root śap- means “to curse”, we call it śap<sup>1</sup>-. On the other hand, when it means “to swear”, we call it śap<sup>2</sup>-. The relationship between Type I and II are as follows:

Type I: (“pāpaṃ na carāmy aham”) “ayaṃ carati loka ’smin bhūtasākṣī sadāgatiḥ eṣa muñcatu me prāṇān yadi pāpaṃ carāmy aham” (=śap<sup>2</sup>atha-)

= Type Ia: (“pāpaṃ na carāmy aham”) “sadāgatinā me prāṇāñ śap<sup>1</sup>e yadi pāpaṃ carāmy aham”  
“By means of the wind god I curse my vital breaths if I have done any wrong.”

= Type Ib: (“pāpaṃ na carāmy aham”) “sadāgatinā me prāṇaiś cātmanāṃ śap<sup>1</sup>e yadi pāpaṃ carāmy aham”  
“By means of the wind god and by means of my vital breaths I curse my own self if I have done any wrong.”

= Type II: “pāpaṃ na carāmy aham” “sadāgatinā me prāṇaiś ca śap<sup>2</sup>e”  
“I have not done any wrong.” “By the wind god and by my vital breaths I swear.”

From these, we get the following well-known equation:

śap<sup>2</sup>- “to swear” = śap<sup>1</sup>- “to curse” + ātmānam + yadi...  
= “to curse one’s own self on a given condition”

### ii. The generalization of Type I, II and III

Even if an interlocutor Z to whom one swears is referred to, the situation is the same if we set aside detailed grammatical discussion. Type I, II and III are generalized as follows:

Type I: (“A is, oh Z, B.”) “I would incur the loss or the receipt of X brought by Y if A were not B.”  
= (“A is, oh Z, B.”) “Oh you Y, bring me the loss or the receipt of X if A were not B.”

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- = (“A is, oh Z, B.”) “Y-ā X-aṃ śap<sup>1</sup>e yadi...”  
 “By means of Y I curse X if...”  
 = (“A is, oh Z, B.”) “Y-ā X-ā cātmānaṃ śap<sup>1</sup>e yadi...”  
 “By means of Y and by means of X I curse my  
 own self if...”

Type II: “A is, oh Z, B.” “Y-ā X-ā ca Z-e śap<sup>2</sup>e”  
 “By Y and by X I swear to Z.”

Type III: “A is, oh Z, B.” “Y-aṃ X-aṃ ca sprśāmi/ālabhe”  
 “I touch (, that is, swear on) Y and X.”

Thus, Type I, II and III are all equivalent. This means that they signify “one and the same gesture as an action of swearing”, that is, “the action of touching Y and X” in spite of the difference in manner of expression. As M. Hara has pertinently pointed out in a series of his works<sup>22</sup>, X is, in most of cases, a substance or something regarded as a substance. Therefore, it is touchable, disposable and transferable. When an oath-taker swears, for example, by the truth (*satya*-), it is a “merit-substance” called “the truth” and accumulated in his body, which results from “the truth” and assures him of going to Heaven after death. With regard to Type II, the expression “By Y (as true witness) I swear” is usual in the European oath, while the expression “By X (as a guarantee) I swear” is so in the Indian oath, as has already been pointed out by learned scholars<sup>23</sup>. And Type III shows that, in the context of the oath, “to touch” is either “to touch Y” or “to touch X”. “To touch X” implies “to lay a curse on X”, in other words, “to offer X insecurity”. On the other hand, “to touch Y” implies “to make obeisance to Y as true witness”, as has been pointed out by Hopkins<sup>24</sup>. But the trouble is that there are some cases in which it is not easy to ascertain whether Z functions as a mere interlocutor, as a guarantee X, as a witness Y or as a witness and interlocutor, when an oath-taker touches the feet of Z.

III. The function of a person put in the Inst., Dat. or Acc.

As we have seen above, Y, put in the instrumental in Type II or in the accusative in Type III, functions as a witness, while X, put in the instrumental

<sup>22</sup> Hara (1979) p.10, pp.12-15, p.87, p.102, p.113, pp.130-131, pp.227-229, pp.247-250 etc., Appendices pp.425-495; (1994) p.110, p.120.

<sup>23</sup> Hopkins p.322, pp.324 ff and p.328; Lüders pp.663 ff; Hara (1991) pp.58-61.

<sup>24</sup> 24 Hopkins p.333.

in Type II or in the accusative in Type III, functions as a guarantee. And Z, put in the dative in Type II, functions as an interlocutor.

i. Consideration from the point of view of *Vyākaraṇa*

The following points are a well-known fact:

1. The root *śap-* (dh.1.1049 or 4.59 “*śapa ākrośe*”, *svaritet*) is an *ubhaya-padin* “root which takes the active ending or the middle ending as the case may be” (P.1.3.72).
2. It takes a direct object (*sakarmaka-*).

P.1.3.72 “*svarita-ñ-itaḥ kartrabhiprāye kriyāphale (ātmanepadam 12)*” prescribes: (The middle ending is introduced) after (a root) which has as index a *svarita* “(nasalized) vowel with the circumflex accent” or *ñ* when the result of an action (denoted by the root) is intended for an agent (of the action). The root *śap-* put in the middle voice has been interpreted as denoting “to curse one’s own self/sich verfluchen, that is, to swear/geloben”, which is of course not erroneous as a conclusion, but is not exact in the sense that the process of arriving at the conclusion is omitted. Given that the word *ākrośa-* in dh.1.1049 or 4.59 is synonymous with the word *śāpa-* “curse, that is, the action of cursing”<sup>25</sup>, P.1.3.72 only prescribes, in the case of the root *śap-* “to curse”, that “*śap<sup>1</sup>e* (I curse)” is equivalent to “*ātmane* (P.1.4.32) *śap<sup>1</sup>e* (I curse for my own sake)”. That is to say, people say “*śap<sup>1</sup>e* (I curse)” instead of taking the trouble to say “*ātmane śap<sup>1</sup>e* (I curse for my own sake)”. It never prescribes that “*śap<sup>1</sup>e* (I curse)” is equivalent to “*ātmānam* (P.1.4.49) *śap<sup>1</sup>e* (I curse my own self)”. Then, whom do I curse, because the root *śap-* takes a direct object? For my own sake (*ātmane*), I curse (*śap<sup>1</sup>e*) my own self (*ātmānam*) or someone/something else (*param*) as the case may be. This results in the following equation:

<i>śap<sup>1</sup>e</i> (P.1.3.72):	=( <i>ātmane</i> (P.1.4.32)) <i>śap<sup>1</sup>e</i> :
I curse (on condition that	I curse (for my own sake).
the result of the action of cursing	If the action of cursing is finally
is intended for myself).	directed to X, not to myself, then,
	=( <i>ātmane</i> Y-ā X-aṃ) <i>śap<sup>1</sup>e</i> : I
	curse (X by means of Y for my
	own sake).
	If the action of cursing is finally

<sup>25</sup> See, for example, the *Abhidhānatnamālā* 1.149a “*śāpa ākrośa ākṣepaḥ*”.

directed to myself, not to X, then,  
 =(ātmāne Y-ā X-ā ca ātmānam) śap<sup>1</sup>e:  
 I curse (my own self by means of Y and by means of X for my own sake).  
 If we generalize these, then,  
 =(ātmāne Y-ā X-ā cātāmānam) śap<sup>1</sup>e:  
 I curse (my own self by means of Y and by means of X for my own sake).  
 [In the case of the active voice, read *parasmai* (P.1.4.32) for *ātmāne* and *śap<sup>1</sup>āmi* (P.1.3.78) for *śap<sup>1</sup>e*.]

This holds good for the oath (*śap<sup>2</sup>atha-*), when we take into account the equation mentioned at the end of II.i.

The only difficulty is a case in which the root *śap<sup>1</sup>-* “to curse” is put in the middle voice and is construed with an interlocutor Z such as *te* (you) put in the dative, for P.1.3.72 shows that, when *śap<sup>1</sup>-* put in the middle voice is construed with a person put in the dative, the very person is a curser/oath-taker himself, not the interlocutor Z such as *te* (you). Pāṇini has got over the difficulty by formulating P.1.4.34 “*ślāgha-hnuṇi-sthā-śapām jñāpsyamānaḥ (saṃpradānam 32)*” which defines a specified type of indirect object as follows: With reference to the roots *ślāgh-*, *hnu-*, *sthā-* and *śap-*, “one to whom (something/someone) is being desired (by the agent) to be made known” (by the action denoted by each root) is (technically called) an indirect object. As for Kātyāyana, taking P.1.4.34 into account, he has taken the trouble to formulate vt.8 “*śapa upalambhane*” [(The middle ending is introduced not only after the root *krīḍ-* preceded by *anu-*, etc., but also after the root *śap-* (, only when this is used) in the sense of *upalambhana*.] on P.1.3.21 “*krīḍo ’nu-saṃ-paribhyaś ca (ātmanepadam 12, ānaḥ 20)*” [which prescribes: (The middle ending is introduced) after the root *krīḍ-* (dh.1.373 “*krīḍṛ vihāre*”, *udāttet* P.1.3.78) (, only when this is) preceded by *anu-*, etc. (, blocking P.1.3.78.))] in order to point out explicitly Pāṇini’s ulterior motive for the formulation of P.1.4.34. A detailed discussion on these points is omitted here.

In short, the root *śap-* “to curse” is put in the middle voice, in Pāṇini’s opinion, according to P.1.3.72 in spite of P.1.3.78, only when the root implies “the action of making (someone) know (the agent’s own intention)” [*jñāpana*

-, which corresponds to *prakāśana-* “the action of making (the agent’s own intention) clear (to someone)” in P.1.3.23,] by the action of cursing the agent’s own self on a given condition, and even if the result of the action “*jñāpana-/prakāśana-*” implied by the root is not intended for the agent. In Kātyāyana’s opinion, the root *śap-* is put in the middle voice according to vt.8, not to P.1.3.72, in spite of P.1.3.78, only when the root implies the action “*upalambhana-*” by the action of cursing the agent’s own self on a given condition, and even if the result of the action “*upalambhana-*” implied by the root is not intended for the agent. Thus, the root *śap-* put in the middle voice is legally construed with the interlocutor Z such as *te* (you) according to P.1.4.34, not to P.1.4.32.

ii. The interpretation of the word *upalambhana-* by the *Kāśikā*

The meaning of the word *upalambhana-* in vt.8 “*śapa upalambhane*” is a particularized one of the registered general meaning of the word *ākrośa-* in dh.1.1049 or 4.59 “*śapa ākrośe*”, in other words, the meaning “*upalambhana-*” is included, as the particular, in the meaning “*ākrośa-/śāpa*”. The former is not equal to the latter, nor independent of the latter. The former does not include the latter, either. The demonstration is omitted here. In any case, I think that both Kātyāyana and Patañjali interpret the word *upalambhana-* as denoting “the action of making (someone) perceive/understand”. On the line of Muni-traya, Kaiyaṭa and Nāgeśa interpret the word as (implying) *prakāśana-* “the action of manifesting/making clear”. On the other hand, the *Kāśikā* interprets the word *upalambhana-* as “*vācā śarīrasparśanam* (the action of touching a body with a declaration)”. This means the following:

*śapatha-*(oath, the action of swearing)=*upalambhana-*=  
*vācā śarīrasparśana-*.

Therefore, the expression *devadattāya śap<sup>2</sup>ate* “He swears to Devadatta (that A is B)” cited as an example is equivalent to *devadattam spr̥ṣati/ālabhate* (“(“A is B,”) He touches (the feet of) Devadatta’). Thus, the definition of an oath given by the *Kāśikā*, which is followed by Jinendrabuddhi, Haradatta and Bhaṭṭoji, perfectly corresponds to Type III. It is not certain whether the *Kāśikā* regards the word *upalambhana-* as synonymous with *sparsāna-/ālabhana-* “the action of touching” or as denoting “the action of making (someone) perceive/understand”. But I presume that the former alternative is implausible because it amounts to the absurdity that the root *śap<sup>2</sup>-* “to swear” denotes also “to touch” to be denoted by the roots *spr̥ṣ-/ā-*

*labh*-<sup>26</sup>. Therefore, I believe that the *Kāśikā* also interprets the root *śap*<sup>2</sup>- “to swear” as implying *upalambhana*- “the action of making (someone) perceive/understand” by the action of swearing. And “the action of making (someone) perceive/understand” takes the form of “the action of touching a body with a declaration”. This reflects, I believe, “the way of swearing” prevalent in those days. In any case, the crucial point is that “Dat.+*śap*-” in Type II is equivalent to “Acc.+*sprś*-/*ā-labh*-” in Type III. For example, “Z-e *śap*<sup>2</sup>e ” [I swear to Z (that A is B).] is equivalent to “Z-*aṃ sprśāmi/ālabhe*” [(“A is B,”) I touch (the feet of) Z].

iii. The explanation of an oath by Nāgeśa

*śapatir nānārthaḥ. asty ākrośe, devadattaṃ śapatīti, nindatītyarthaḥ. asti tattvāvedanapūrvakaṃ tatpratyañāyā brāhmaṇādeḥ kvacid dhastādinā sāṅgātsparsārūpe mānasasparśārūpe vā śapathe, yathā vipraiḥ śape, kṣātradharmeṇa śapa ityādau. tṛtīyā tu karmaṇo 'pi karaṇatvavivakṣayā. asti prakāśane, devadattāya śapate, kathayatītyarthaḥ. tatra svaritettvāt siddhe 'kartrabhiprāyārtham idaṃ. tad api prakāśanārtha eva.*

(Or, the root *śap*-) is (used) in the (particularized) sense of action of swearing, which, preceded by a declaration (by an oath-taker) of a fact, takes the form of action of touching (such an object as) a Brahmin, etc., on a certain part (of his body) with a hand, etc., directly or in the mind in order to convince (an interlocutor to whom he swears) of the very fact as in, among others, (such an expression as) “*vipraiḥ śape* (By Brahmins I swear)” or “*kṣātradharmeṇa śape* (By the duty of the warrior class I swear)”. [Therefore, according to the present definition of an oath, we may well expect such an expression as “*viprān sprśāmi*”, i.e., “(“A is B,”) I touch Brahmins (directly).” or “*kṣātradharmam sprśāmi*”, i.e., “(“A is B,”) I touch the duty of the warrior class (in my mind).”] But (, in the above-quoted expressions,) the third case ending (expressing the instrument of the realization of an action denoted by a root) is (used) because one desires to express that the direct object (, expressed by the second case ending, of the action of swearing— here this action of swearing takes the form of action of touching denoted

<sup>26</sup> In the *Dhātupāṭha*, the meaning “to touch” is not given to the root *śap*-. Only Yāska gives the meaning “to touch” to the root *śap*- in the *Nirukta* 3.21 “*śepaḥ śapateḥ sprśatikarmaṇaḥ*”, which means that the word *śepa*- “the male organ” (is derived) from the root *śap*- (which denotes) “the action of touching”.



by the root *sprś-* —) is also the instrument (of the realization of the action of swearing denoted by the root *śap-*).

Nāgeśa's explanation of an oath perfectly corresponds to the definition of an oath given by the *Kāśikā*. The crucial point is that "Inst.+*śap-*" in Type II is equivalent to "Acc.+*sprś-/ā-labh-*" in Type III. For example, *vipraiḥ śap<sup>2</sup>e* "By Brahmins I swear (that A is B.)" is equivalent to *viprān sprśāmi/ālabhe* ('("A is B,") I touch (, that is, swear on, the feet of) Brahmins.')

iv. Hopkins' remarks

It is necessary to list as many items as possible, to analyse them in connection with the relationship between an oath-taker, an interlocutor and someone by/on whom the oath-taker swears, and to ascertain their function in order to clarify the peculiarity of the Indian oath. As is often pointed out, these items generally fulfill the function of a wager or a guarantee (in a broad sense, including personal security). And a god as a third person as it were, not the interlocutor to whom the oath-taker swears, disposes of the guarantee if the oath has turned out false, which is fundamentally different from a gamble or the contract with regard to, for example, a housing loan. As we have already seen, Type I, II and III are substantially equivalent in spite of the difference in manner of expression, and so "that (Y or X) by which one swears" in Type II corresponds to "that (Y or X) which one touches, that is, swears on" in Type III. When the oath-taker touches his own self, the question what part of his body to touch generally depends on the superiority or inferiority in the social rank of the oath-taker and the interlocutor, that is, the superiority or inferiority according to the caste or according to the relationship of lord and vassal, of husband and wife, of parent and child or the like in the case of the same caste. The same also holds good when the oath-taker touches the interlocutor or someone else. Generally speaking, if the oath-taker is inferior to the interlocutor or someone else, he touches either his own head or the feet of the interlocutor or of someone else. If he is superior, he touches (either his own feet or) the head of someone else.

Firstly, according to Hopkins, 'to "touch the feet (of Z)" is to "make obeisance (to Z)" ' (p.333), which seems to me that Z is a person who functions as if he were a god, such as our witness Y (not our guarantee X) in Type III, while 'to "swear by the feet (of Z)" is to swear by the person (Z)' (p.334), which assures me that Z is our guarantee X in Type II<sup>27</sup>, if I dare to

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<sup>27</sup> See Hopkins p.328, ll.6-10.

distort what he remarks (p.331, 1.7-p.335, 1.6). The latter case holds good, for instance, in the example “*śape ’haṃ Kṛṣṇacaraṇāir iṣṭāpūrtena cāi’ va ha*” (*Mbh* 7.131.14) cited by him, where Kṛṣṇa functions (, or Kṛṣṇa and Arjuna function), without doubt, as a guarantee X who holds joint and several liability for the declaration of the oath-taker Sātyaki. However, this is equivalent to “*ālabhe ’haṃ kṛṣṇacaraṇān iṣṭāpūrtañ caiva ha*”. From my distortion it follows that Kṛṣṇa functions as a witness Y like a god (who has the power of life and death over Sātyaki and to whom, therefore, he makes obeisance), while the very same Kṛṣṇa functions as a guarantee X. In other words, in the former expression, it is a god that would dispose of both the life of Sātyaki’s beloved lord Kṛṣṇa and his *iṣṭāpūrta*, while, in the latter, it is Sātyaki’s beloved lord Kṛṣṇa that would dispose of his *iṣṭāpūrta*. This is absurd because Kṛṣṇa functions as a guarantee X, not as a witness Y nor as an interlocutor. Kṛṣṇa could not dispose of Sātyaki’s *iṣṭāpūrta*, for he is not a god, but a human being. Kṛṣṇa is not an interlocutor, for the interlocutor to whom Sātyaki swears is a detestable enemy Somadatta.

If, not when an oath-taker swears by the feet (of Z), but only when he touches the feet (of Z), Z functions as a witness Y, what becomes of “the husbands (of Svayaṃprabhā etc.)” in KSS 119.37 “*atrārthe bhartṛcaraṇān spr̥ṣṭvā manmantrisamnidhau svayaṃprabhādyāḥ śapathair antarasthā bhavantu naḥ*”? Here Svayaṃprabhā’s husband, among others, functions, without doubt, as a guarantee X not as a witness Y nor as an interlocutor, for the interlocutor to whom she will be made to swear is (either a king’s minister as an observer or) King Merudhvaja himself. It is true that Hopkins’ interpretation with regard to the significances expressed by the action of touching is correct and convincing, but he should have explained the fact that there is a certain case in which “to touch the feet (of Z)” is “to lay a curse on the feet (of Z)”, that is, “to swear by the feet (of Z)”.

Secondly, such an expression as “*devatā-pitr̥-pādāḥ*” or “*deva-brāhmaṇa-pādāḥ*” occurs in the later Law Books, where a deity/god the feet of whom are touched by an oath-taker (in the mind or directly in the case of an image of a deity/god) functions, without doubt, as a witness Y. If Z the feet of whom the oath-taker touches functions not as a witness Y but as a guarantee X just like a weapon (*āyudha-*) touched by Arjuna (*Mbh* 8.50.19) or her own head (*mūrdhan-*) touched by Ambā (*Mbh* 5.172.14), Hopkins should have explained why the function of Z differs from that of a deity/god though the action of touching the feet is the same.

Arjuna swears on the feet of his elder brother, King Yudhiṣṭhira, that he

will not return from the battle-field if he does not slay Karna today (*adya*) (*Mbh* 8.50.34). Yudhiṣṭhira may be dear to Arjuna, just as Prince Rāma is so to his father, King Daśaratha. To Arjuna, the life of King Yudhiṣṭhira may be even more important than his own life, just as, to King Daśaratha, the life of Rāma is so. To mortgage the life of such a superior interlocutor as Yudhiṣṭhira to the interlocutor himself without his consent may convince him of the truth of the oath-taker's declaration. But, in the present case, Yudhiṣṭhira himself could verify Arjuna's declaration in a day as if he were a god as true witness, just as, in the case of a gamble, a gambler himself can verify the declaration of the other on the spot. And Yudhiṣṭhira himself could dispose of his grace ("*tava prasādena*" *Mbh* 8.50.18) without the intervention of a god, just as, in a gamble, a winner can dispose of the wager of a loser without the intervention of a third person.

Thirdly, if the crucial point of Hopkins' remarks lies in this that to "touch the feet (of Z)" is to "make obeisance (to Z)", it follows that Z the feet of whom the oath-taker touches functions as the interlocutor, just as Yudhiṣṭhira really does so in *Mbh* 8.50.18 "*te śape* (I=Arjuna swear to you =Yudhiṣṭhira)". This is obvious from his remarks: {It is clear that touching the feet is thus an attestation in the form of submission. The speaker who touches another's feet deprecates. He risks by accompanying oath, whatever he may hope from the hearer's favor, just as Arjuna swears "by thy grace" while touching the emperor's feet, meaning that on failure to fulfill his oath he will expect to lose the royal favor.} (p.334) But, even in this case, Hopkins should have explained that Svayamprabhā's husband Trailokyamālin, King of the Daityas, whose feet are to be touched by her, functions as a guarantee X not as an interlocutor while King Yudhiṣṭhira, whose feet are touched by Arjuna, functions as an interlocutor not as a guarantee X.

In order to clear up the above-mentioned distortions, Hopkins should have paid more attention both to the difference of the function and to the fact that Type I, II and III are substantially equivalent. Z whose feet are touched by the oath-taker functions as an interlocutor (like Yudhiṣṭhira) or as a guarantee X (like Kṛṣṇa or Trailokyamālin) as the case may be. What matters is whether the feet touched by the oath-taker belong (to the oath-taker himself,) to someone else (such as a witness Y or a guarantee X) by/on whom he swears, or to the interlocutor to whom he swears. Thus, the crucial point of Hopkins' remarks lies in this that he has pertinently pointed out that Z is, in Type III, touched by the oath-taker even in the case of Z's being the interlocutor, who is, in Type II, put in the dative. This corresponds perfectly

to the interpretation by, among others, Haradatta. According to him, Type II “*yudhiṣṭhirāya śape* (I swear to Yudhiṣṭhira)” is equivalent to Type III “*tvatpādaḥ spr̥śāmi* (I touch your feet)”. On the other hand, according to Nāgeśa, Type III is equivalent to Type II “*yudhiṣṭhireṇa śape* (By Yudhiṣṭhira I swear)”. Then, what function does Yudhiṣṭhira fulfill? A clue to the present problem lies, I believe, in the following points.

1. *agny-udaka-sītā-prākāraloṣṭa ...ālebhire* (*KAS* 7.17.7)  
*pādaḥ raveḥ/mām* (*SkandaP* 1.2.44.10-11)
2. *devatā-pitr-pādāḥ* (*NS* 20.2)  
*deva-brāhmaṇa-pādāḥ* (*BS* 8.33)  
*pūjya-pādān* (*ŚukraN* 737 cited in Pendse p.290)  
*śūdraṁdūrvā-karaṁśāpayet* (*ViS* 9.5)  
*sīroddhṛtamahī-karam* (*ViS* 9.9)  
*sītoddhṛtamahī-karam* (*ViS* 9.17)
3. “*buddhebhyaḥ śataśaḥśape* yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ” (*Prabodha* 3.18)
4. The occurrence of such an expression as “*śape tvayā*(I swear by you)” (*Mbh* 12.138.185, ed. Kumbhakonam) or “*bhavatā śapāmi* (By your Highness I swear)” (*Ūrubh* 1.64) is remarkable in spite of Hopkins’ remarks {...but, as against the Comm., besides the questionable grammar, the idiom *te śape* meaning “swear to thee” is common...} (p.328)

#### IV. Conclusion

From the discussion on Type I, II and III, the following points are clear.

1. The intervention of a god Y as true witness is fundamentally indispensable.
2. Logically a god Y as true witness is put in the nominative (in Type I), in the instrumental (in Type II) or in the accusative (in Type III).
3. It is true that a god Y is seldom referred to, but there are a few cases in which he is explicitly mentioned.

Type I:

*sadāgatiḥ* (*Mbh* 3.75.7)  
*tigmāṇśuḥ* (*Mbh* 3.75.8)  
*candramāḥ* (*Mbh* 3.75.9)  
*mātariśvā sadāgatiḥ* (*Mbh* 3.275.23)  
*agnir āpas ākāśaṁ prthivī vāyur* (*Mbh* 3.275.24)

Type II:

*varuṇeṇa* (only in Gorresio 5.34.8)

Type III:

*agny-udaka-sītā-prākāraloṣṭa-* (*KAS* 7.17.7)

*pāḍau raveḥ/mām* (*SkandaP* 1.2.44.10-11)

*devatā-pitr-pādāḥ* (*NS* 20.2)

*deva-brāhmaṇa-pādāḥ* (*BS* 8.33)

4. One/that whom/which an oath-taker touches, that is, swears on, is either a god Y as true witness or a guarantee X.

Haradatta's interpretation shows:

5. An interlocutor Z put in the dative (in Type II) is also touched by the oath-taker, just as (the feet of) Yudhiṣṭhira is touched by Arjuna in *Mbh* 8.50.34 (cf. 8.50.18).

This reveals that a guarantee X including, of course, personal security is not put in the dative (in Type II), for it is totally absurd for the oath-taker to swear to the guarantee X: A is, oh guarantee X, B.

In the case of Yudhiṣṭhira, does he function as a mere interlocutor the feet of whom Arjuna swears on? In the above-cited *Prabodha* 3.18, Buddhas, who are such divine beings as a god Y, are put in the dative.

“*buddhebhyah śataśaḥ śape(=ātmāne X-ā ātmānaṃ śap<sup>1</sup>e) yadi punaḥ kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ*”

This is equivalent to:

“*buddhebhyah śataśaḥ (X-ā) śap<sup>2</sup>e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ*”<sup>28</sup>.

This is also equivalent both to:

“*buddhaiḥ śataśaḥ (X-ā) śap<sup>2</sup>e na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ*”

and to:

“*buddh(apād)ān śataśaḥ sprśāmi/ālabhe na kutrāpi kapālinī-pīnottuṅga-kucāvagūhana-bhavaḥ prāptaḥ pramododayaḥ*”.

<sup>28</sup> If X is not referred to as in this example, we had better think that X is the life of an oath-taker and that X is omitted because of a truism, taking into consideration the fundamental idea of the oath “Selbstverfluchung zum Tode für den Fall der Unwahrheit der Aussage” (Lüders p.658).

This means that “By Buddhas I swear” is equivalent not only to “I swear to Buddhas” but also to “I swear on Buddhas”. Clearly Buddhas function not only as interlocutors but also as witnesses. Here the oath-taker directly requests Buddhas to bear witness that A is B. The same holds good, I believe, in the case of a human being. That is to say, only when a human being the feet of whom are touched by an oath-taker is an interlocutor to whom the oath-taker swears, this human being functions not only as the interlocutor but also as the witness. The function of witness, originally belonging to a god in Heaven, is transferred to a human being (such as a king or a Brahmin, who is comparable to a god) on Earth. Generally speaking, unlike a god, this human being does not know whether the declaration “A is B” is true or not, but he functions as if he were a god who has the power of life and death over the oath-taker when the oath has turned out false. Thus, Yudhiṣṭhira functions not only as the interlocutor but also as the witness. Likewise, the expression “*vipraiḥ śape* (By Brahmins I swear)” cited by Nāgeśa is equivalent not only to “*vipr(apād)ān sprśāmi* (I touch the feet of Brahmins)” but also to “*viprebhyaḥ śape* (I swear to Brahmins)”. Brahmins function not only as interlocutors but also as witnesses. On the other hand, the duty of the warrior class (*kṣātradharmā*) in the expression “*kṣātradharmeṇa śape* (By the duty of the warrior class I swear)” functions, of course, as the guarantee, not as the witness nor as the interlocutor. It is absurd for the oath-taker to swear to the duty of the warrior class: “A is, oh duty of the warrior class, B.”

In conclusion, I think, against Hopkins’ remarks (p.328, ll.6-10), that the notion “By a witness Y I swear” exists even in the Indian oath, whether Y is a divine being (such as Varuṇa in *G.* 5.34.8) or a human being (such as Vipra in the above example)<sup>29</sup>.

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ABBREVIATIONS

Acc.: Accusative	ŚB: Śatapathabrāhmaṇa
MārkP: Mārkaṇḍeyapurāṇa	DhK: Dharmakośa
AiB: Aitareyabrāhmaṇa	ŚukraN: Śukranīti
Mbh: Mahābhārata	GauDhS: Gautamadharmasūtra
AmbacoraJ: Ambacoraajāta	SK: Siddhāntakaumudī
Mṛcch: Mṛcchakatikā	HOS: Harvard Oriental Series
ĀnĀSS: Ānandāśrama Sanskrit Series	SkandaP: Skandapurāṇa
MS: Manusmṛti	Inst.: Instrumental
AV: Atharvaveda	Svapna: Svapnavāsavadatta
NS: Nāradaśmṛti	KAŚ: Kauṭīlīyārthasāstra
ĀpDhS: Āpastamb(īy)adharmasūtra	TāṇḍyaB: Tāṇḍyabrāhmaṇa
PañcaT: Pañcatantra	Kād: Kādambarī
BālaC: Bālacarita	Ūrubh: Ūrubhaṅga
Prabodha: Prabodhacandrodaya	KS: Kātyāyanasmṛti
BS: Bṛhaspatismṛti	ViS: Viṣṇusmṛti
PratijñāY: Pratijñāyauḡandharāyaṇa	KSS: Kāshi Sanskrit Series or
BhisaJ: Bhisaajāta	Kathāsaritsāgara
PuṣkaraM: Puṣkaramāhātmya	Voc.: Vocative
ChU: Chāṇḍogyopaniṣad	vt.: vārttika
R: Rāmāyaṇa	MahāsīlaJ: Mahāsīlavajāta
Dat.: Dative	YS: Yājñavalkyasmṛti
RV: R̥gveda	MahāsutaJ: Mahāsutasomajāta
dh.: dhātupāṭha (in Bōhtlingk)	

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